

REMARKS

Claims 1-9 are pending herein. To address the Examiner's objection to claims 1-5 and 8, claim 1 has been amended to more clearly define R⁶. Support for this amendment can be found in original claim 1. Claim 8 has been amended to define a composition comprising the compounds of formula (I). Claims 6 and 7 have been canceled as being directed to non-elected subject matter.

The title has been amended as requested by the Examiner.

Response to Elections/Restrictions

The Examiner indicated that claims 6-7 and 9 are drawn to nonelected subject matter and have been withdrawn from further consideration. Claim 9 is directed to a method using the composition of claim 1. No restriction requirement was made regarding claim 9, accordingly, Applicants respectfully submit that claim 9 should be examined with Claims 1-5 and 8.

Claim 8 has been rejected under 35 USC 112, 1st paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully traverse.

Applicants submit that the claim language is clear and one of ordinary skill in the art would, without undue experimentation, understand how to practice the present invention. However, to advance the prosecution, the composition claim has been amended and the language addressed by the Examiner has been removed as suggested by the Examiner.

Claims 1-5 and 8 have been objected to because the figures are considered too small. Applicants have enlarged each of the figures in claim 1.

Claims 1-5 and 8 have been provisionally rejected under the judicially created doctrine of obviousness-double patenting as allegedly being unpatentable over claims 1-9 of copending Application Nos. 10/569,343 and 10/554,336. Applicants respectfully traverse.

Applicants note the provisional rejection of claims 1-5 and 8.

The Examiner has not provided any explanation regarding Application 10/554,336 or its relevance to the instant application. In the event the provisional rejection is maintained in future office actions, Applicants request clarification of this rejection.

In view of the above amendments and arguments, Applicants respectfully submit that the rejection under 35 U.S.C. §112 have been overcome and submit that the Provisional Obviousness Double Patenting rejection is the only remaining rejection in this application. Accordingly, this rejection should be withdrawn and the application passed to issue.

As this response is submitted within six (6) months from the mailing date of the Office Action, a 3-month extension of time is included herewith.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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